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## Neither Rain nor Snoopers . . .

U.S. mail is supposed to be sacrosanct, but the letter writer may unintentionally be addressing a communication to whom it may concern as well as to the intended recipient.

The Postal Service is the guardian of the mail, but the watchman is less than vigilant. Testimony before a congressional subcommittee discloses that:

—Mail from certain foreign countries is routinely forwarded to the Customs Service.

—Customs agents turned over some mail to military investigators who have no legal authority to open it.

—It was "general policy" of the Customs Service to call in military investigators when dealing with mail to or from servicemen.

—The Customs Service violated legal procedures to open or read some letters, although its legal authority extends only to looking for contraband from abroad.

Members of the subcommittee said the cooperation of the Postal Service with the Customs Service was so enthusiastic that it amounted to surrender by the Postal Service of its authority over the mail. Rep. Leo J. Ryan (D-Calif.), emphasizing this view, accused the postal agency of indifference to the illegalities committed by the Customs Service.

As a result of the hearing, the subcommittee has under consideration a proposal to require the Customs Service to obtain search warrants before opening incoming mail suspected of containing contraband.

If the privacy of the mail is to be protected from the encroachments revealed by the subcommittee, reform would have to be implemented by law in view of a U.S. Supreme Court decision June 6. The court held, 6 to 3, that warrantless mail searches by customs inspectors are justified if there is "reasonable cause" to suspect that they contain narcotics or

other smuggled goods. The court drew no distinction between searching international mail and searching persons, envelopes and other packages at a border. And the majority, wandering into the fuzzy reaches of speculation, said there is little chance of violating First Amendment freedoms of speech because regulations forbid the reading of material inside the envelopes searched.

Recent history of widespread invasion of privacy of the mail refutes the majority opinion, and lends convincing support to the position of Justices John Paul Stevens, William J. Brennan Jr. and Thurgood Marshall, who warned: "If the government is allowed to exercise the power it claims, the door will be open to the wholesale, secret examination of all incoming international letter mail."

In the past, government agencies, without any legal authority, have felt free to interfere with the mail. Only two years ago, the CIA admitted that it had opened hundreds of thousands of letters over a 20-year period. And shortly afterward, the FBI confessed that it pursued an illegal mail-opening program paralleling that of the CIA. Later, it was disclosed that the CIA had intercepted mail of selected American politicians, including mail to or from Sen. Edward M. Kennedy, Sen. Hubert H. Humphrey and Sen. Frank Church, as well as prominent Americans in private life.

Humphrey called the CIA action "a prime example of bureaucratic arrogance, violation of the law and abuse of power."

The abuses revealed in the Postal Service and Customs Service are on a smaller scale than the violations disclosed in the FBI and CIA, but, unless controlled by law, they will grow. Power lusts after more power. Even the authority necessary for government agencies to discharge their valid functions must be hedged with restraints.